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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER,)	
Plaintiff,)	
)	
v.)	Case No. A03-0263- CV (JKS)
)	(Consolidated)
UNITED STATES OF AMERICA,)	
GALE NORTON, Secretary of the)	
Interior, the DEPARTMENT OF THE)	
INTERIOR, the NATIONAL PARK)	
SERVICE,)	
Defendants.)	
)	

DECLARATION OF EVALYN E. GARIS

I, Evalyn E. Garis, of personal knowledge declare that the following is true and correct:

1. I am the Supervisor of the Mineral Law Staff in Division of Energy and Solid Minerals with the Alaska State Office of the Bureau of Land Management (hereinafter "BLM")

in Anchorage, Alaska. I have worked in this position since February 2004. Prior to that time, I worked as a Land Law Examiner specializing in mineral law for the BLM State Office in Anchorage since 1988.

2. The Mineral Law Staff of the BLM State Office in Anchorage is responsible for maintaining records of federal mining claims located in Alaska. The Alaska Lands Information System ("ALIS") contains all federal land and mineral records maintained by BLM-Alaska. These records include the filings required by Section 314 of the Federal Land Policy Management Act ("FLPMA"), 43 U.S.C. § 1744.

3. I understand that the Plaintiff Paul Shearer has filed a First Amended Complaint in the above-captioned action alleging in part that he consented to the taking of various mining claims located in the Kantishna Mining District in Denali National Park & Preserve. Specifically, I understand that in Paragraph 44 of the First Amended Complaint, the Plaintiff alleges that he consented to the taking of the "Lucky Gulch No. 1 Placer claim". In Paragraph 45 of the First Amended Complaint, the Plaintiff alleges that he consented to the taking of the "Trail Lode Claim" and "Four (4) Associations Placer Claims". In Paragraph 46, the Plaintiff alleges that he consented to the taking of the "Broken Bow 'No. 1' mining claim", the "Broken Bow 'No. 2' mining claim" and the "Friday Creek Discovery Claim" mining claim.

4. If any of the claims identified in Paragraph 3 of this Declaration were unpatented mining claims, and if the filings required by FLPMA had been made for those claims, ALIS would contain records of each of those filings.

5. I have searched ALIS to determine whether it contains any records of any filings made for any of the mining claims identified in Paragraph 3 of this Declaration, as set forth in

Paragraphs 44, 45 and 46 of Paul Shearer's First Amended Complaint. With regard to the "Four (4) Associations Placer Claims", I also searched ALIS for any records of any placer mining claims containing the word "Trail" in the name, as I believed that the four association placer claims to which Mr. Shearer refers may be known as four Trail Association Placer Claims or a similar name.

6. ALIS contains no notices of location, certificates of location or any other records at all for claims identified as the "Lucky Gulch No. 1 Placer claim", "Trail Lode Claim", "Four (4) Associations Placer Claims", "Broken Bow 'No. 1' mining claim", "Broken Bow 'No. 2' mining claim" or for any association placer claims with the word "Trail" in the name. The ALIS records do show a claim identified as the "Discovery Claim Friday Creek", FF-46218, for which the filings required by 43 U.S.C. § 1744 had been made, and which was later purchased by the National Park Service on March 6, 1995. ALIS contains no notices of location, certificates of location or any other records for any claim identified as "Friday Creek Discovery Claim."

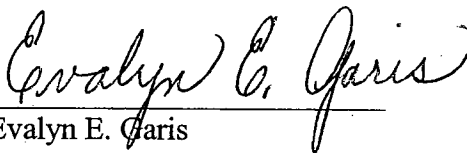
7. The failure to file a notice of location or certificate of location for an unpatented mining claim constitutes an abandonment of the mining claim under 43 U.S.C. § 1744(c). In short, if any of the claims identified as the "Lucky Gulch No. 1 Placer mining claim", "Trail Lode Claim", "Four (4) Associations Placer Claims", "Broken Bow 'No.1' mining claim", "Broken Bow 'No. 2' mining claim", "Friday Creek Discovery Claim" or any placer claim with the word "Trail" in it had existed at some point in time, they were deemed abandoned by 43 U.S.C. § 1744(c) for the failure to make the required filings under FLPMA.

8. All lands in the Kantishna Mining District were withdrawn from location and entry under the mining laws on March 16, 1972 pursuant to Public Land Order 5179, 37 F.R. 5579.

The lands have remained continuously withdrawn since that time. Accordingly, no unpatented mining claims could be located or relocated on lands located in the Kantishna Mining District after March 16, 1972.

I declare under penalty of perjury that the foregoing is correct.

Executed this 21st day of July, 2005.


Evalyn E. Garis